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**IN THE
COURT OF APPEALS OF INDIANA**

IN RE: MATTER OF THE TERMINATION)
OF THE PARENT-CHILD RELATIONSHIP)
OF C.B.,)

CHERYL B.,)
Appellant-Respondent,)

vs.)

JENNINGS COUNTY DEPARTMENT OF)
CHILD SERVICES,)

Appellee-Petitioner.)

No. 40A01-0802-JV-65

APPEAL FROM THE JENNINGS CIRCUIT COURT
The Honorable Jon W. Webster, Judge
Cause No. 40C01-0604-JT-90

July 15, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

BROWN, Judge

Cheryl B. (“Mother”) appeals the involuntary termination of her parental rights to her daughter, C.B. Mother challenges the sufficiency of the evidence supporting the trial court’s judgment. In so doing, Mother alleges the Jennings County Department of Child Services (“JCDCS”) failed to prove by clear and convincing evidence that there is a reasonable probability the conditions resulting in C.B.’s removal and continued placement outside Mother’s care will not be remedied, that continuation of the parent-child relationship poses a threat to C.B.’s well-being, and that termination of Mother’s parental rights is in C.B.’s best interests. We affirm.

Mother is the biological mother of four minor children including C.B., born on September 8, 2000. The evidence most favorable to the trial court’s judgment reveals that, in early June 2003, the JCDCS received several referrals alleging that while Mother was giving birth to C.B.’s younger brother, A.B., there had been a drug bust at the family home and C.B., along with her two siblings, had been left with an elderly woman who was unable to properly care for them. One of the referrals also indicated Mother had failed to obtain proper medical care for then two-year-old C.B., who had been diagnosed with neurofibromatosis, a very serious medical condition that requires specialized training for any caregiver.¹ Specifically, the medical referral alleged Mother had failed to take C.B. to important doctor’s appointments following surgery. These were not the first referrals the JCDCS had received pertaining to Mother. The JCDCS had also

¹ C.B.’s specific diagnosis is Neurofibromatosis I, Subglottic Dystenosis and Pteryform Neurofibroma, a disease that involves benign tumors that form both inside and outside the body. C.B.’s medical problems are particularly serious because she has several tumors that continuously grow and block her airways.

received referrals involving Mother and the children in December 2001, March 2002, and February 2003. After investigating these various complaints, the JCDCS substantiated multiple instances of neglect for endangering the life and health of the children and for educational neglect.

As a result of the June 2003 referrals, the JCDCS initiated an investigation and substantiated the allegation of medical neglect pertaining to C.B. C.B. was in need of several follow-up tests to assess the size of the tumors in her body following surgery and Mother had missed approximately sixteen scheduled doctor's visits. During the investigation, the JCDCS also learned that Mother had been convicted of Dealing in Schedule II Narcotics and was scheduled to report to the Jennings County Jail in September 2003 to begin serving her sentence. The JCDCS encouraged Mother to make arrangements for the children. Mother attempted to do so, but Mother's attempts were ultimately unsuccessful. As a result, on September 5, 2003, the JCDCS filed a petition alleging C.B. and her siblings were children in need of services ("CHINS").

On September 8, 2003, the trial court found C.B. and her siblings to be CHINS and ordered the detention of all children to be effective on September 13, 2003, on or about the day Mother was scheduled to report to jail. On September 16, 2003, the trial court issued its Dispositional Decree formally removing all the children from Mother's care and custody. C.B. was subsequently placed in licensed foster care. The Dispositional Decree did not include any specific services for Mother due to her

impending incarceration.² However, Mother was encouraged to participate in any available services offered through the correctional facility. During her approximately twenty-two months of incarceration, Mother participated in multiple programs, including four substance abuse programs, several parenting classes, a life skills training program, a nutrition class, and a bible study class. Mother also attended Alcoholics Anonymous (“AA”) and Narcotics Anonymous (“NA”) meetings.

In September 2004, the trial court issued a permanency order directing Mother to participate in services and to successfully meet all the objectives of the case plan upon her release from incarceration. On August 28, 2005, Mother was released from jail and placed on probation. Approximately two weeks later, the trial court modified its Dispositional Decree and ordered Mother to, among other things: (1) submit to random drug screens; (2) submit to a drug and alcohol assessment and follow all resulting recommendations of the therapist; (3) meet the medical needs of her children in a timely and appropriate manner; (4) obtain and maintain suitable housing and legal employment sufficient to support her family; (5) participate in individual mental health counseling; (6) participate in a AA/NA program; and, (7) remain free of any further convictions, in order to achieve reunification with her children.

Initially, Mother participated in services. Mother completed a drug and alcohol assessment at Quinco, after which the therapist did not recommend any additional substance abuse treatment. Mother submitted to random drug screens and participated in

² Due to a continuance of her sentencing hearing, however, Mother’s incarceration date had been delayed until on or about October 12, 2003.

Quinco's Relapse Prevention Program on the recommendation of the JCDCS family case manager. Mother also obtained continuous employment, although her employers changed approximately four times during the six-month period immediately following her release from incarceration, and she immediately began exercising regular, supervised visitation with C.B. and her other children.

Despite Mother's initial success in certain court-ordered services, however, she was unable to obtain or maintain permanent housing. Additionally, Mother's lack of stable housing caused her progress with visitation to stagnate because, without stable housing, Mother was unable to progress to all day or overnight visits. Moreover, without stable housing and all-day visitation privileges, Mother was not permitted to take the requisite medical training she needed in order to care for C.B. because, if she took the training too soon, that is, before she was granted all-day visitation, she would have to re-take the training as a "refresher course" due to the gravity of C.B.'s medical condition. Tr. p. 28. While on probation, Mother also did not attend any of C.B.'s medical appointments, which occurred both at Cincinnati Children's Hospital and in Indiana, from August 2005 through August 2006. Nor did Mother comply with the continued parenting support and education services that Quinco provided.

In March 2006, Mother was arrested for Operating a Vehicle While Intoxicated, and her compliance with services began to wane. After her arrest, Mother's visitation with C.B. and her other children "significantly decreased." *Id.* at 34. Mother also never secured a permanent place to live. On April 17, 2006, the JCDCS filed its amended petition to involuntarily terminate Mother's parental rights to C.B. and her siblings. On

May 19, 2006, the trial court ordered that the Petition to Terminate Parental Rights be severed as to each child and assigned separate cause numbers. Also in May 2006, Mother was again arrested. The new arrest was for Driving While Suspended.

Mother voluntarily admitted herself into a substance abuse in-patient treatment program at Richmond State Hospital on June 13, 2006. However, approximately two weeks before completion of the program, Mother was unsuccessfully discharged for violation of program rules. A probation revocation hearing was held on September 21, 2006, after which Mother was returned to the Indiana Department of Correction to serve the remainder of her sentence.

A fact-finding hearing on the JCDCS's termination petition commenced on August 27, 2007. During the hearing, Mother indicated that her projected release date from incarceration was January 19, 2009. At the conclusion of the termination hearing, the trial court took the matter under advisement. On November 5, 2007, the trial court entered its judgment terminating Mother's parental rights to C.B.³

Mother asserts on appeal that the trial court's judgment terminating her parental rights to C.B. is not supported by clear and convincing evidence. This court has long had a highly deferential standard of review in cases concerning the termination of parental rights. In re K.S., 750 N.E.2d 832, 836 (Ind. Ct. App. 2001). Thus, when reviewing the trial court's judgment, we will not reweigh the evidence or judge the credibility of the witnesses. In re D.D., 804 N.E.2d 258, 264 (Ind. Ct. App. 2004), trans. denied. Instead,

³ C.B.'s biological father, Clarence B., is deceased.

we consider only the evidence and reasonable inferences therefrom that are most favorable to the judgment. Id.

Here, the trial court made specific findings in ordering the termination of Mother's parental rights. Where the court enters specific findings of fact, we apply a two-tiered standard of review. First, we must determine whether the evidence supports the findings. Bester v. Lake County Office of Family & Children, 839 N.E.2d 143, 147 (Ind. 2005). Secondly, we determine whether the findings support the judgment. Id. In deference to the trial court's unique position to assess the evidence, we will set aside the court's judgment terminating a parent-child relationship only if it is clearly erroneous. In re L.S., 717 N.E.2d 204, 208 (Ind. Ct. App. 1999), trans. denied; see also Bester, 839 N.E.2d at 147. A finding is clearly erroneous when there are no facts or inferences drawn therefrom that support it. D.D., 804 N.E.2d at 264. A judgment is clearly erroneous only if the findings do not support the trial court's conclusions or the conclusions do not support the judgment thereon. Quillen v. Quillen, 671 N.E.2d 98, 102 (Ind. 1996).

"The traditional right of parents to establish a home and raise their children is protected by the Fourteenth Amendment of the United States Constitution." In re M.B., 666 N.E.2d 73, 76 (Ind. Ct. App. 1996), trans. denied. However, the trial court must subordinate the interests of the parents to those of the child when evaluating the circumstances surrounding the termination. K.S., 750 N.E.2d at 837. Parental rights may be terminated when the parents are unable or unwilling to meet their parental responsibilities. Id. at 836.

In order to terminate a parent-child relationship, the State is required to allege and prove that:

- (A) [o]ne (1) of the following exists:
 - (i) the child has been removed from the parent for at least six (6) months under a dispositional decree;

* * * * *

- (B) there is a reasonable probability that:
 - (i) the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied; or
 - (ii) the continuation of the parent-child relationship poses a threat to the well-being of the child;
- (C) termination is in the best interests of the child; and
- (D) there is a satisfactory plan for the care and treatment of the child.

Ind. Code § 31-35-2-4(b)(2) (2004 & Supp. 2007); Ind. Code § 31-35-2-8 (2004). The State must establish each of these allegations by clear and convincing evidence. Egley v. Blackford County Dep't of Pub. Welfare, 592 N.E.2d 1232, 1234 (Ind. 1992).

Mother does not challenge the trial court's determination that C.B. was removed from her care for the requisite amount of time pursuant to the statute or that the JCDCS has a satisfactory plan for C.B.'s care and treatment, namely, adoption. Mother does, however, allege the JCDCS failed to prove by clear and convincing evidence: (1) that there is a reasonable probability the conditions resulting in C.B.'s removal and continued placement outside of Mother's care would not be remedied; (2) that continuation of the

parent-child relationship poses a threat to C.B.'s well-being; and, (3) that termination of Mother's parental rights is in C.B.'s best interests. We will address each argument in turn.

Initially, we note that Ind. Code Section 31-35-2-4(b)(2)(B) is written in the disjunctive. Thus, while the trial court determined both that the conditions resulting in C.B.'s removal and continued placement outside mother's care would likely not be remedied and that continuation of the parent-child relationship poses a threat to C.B.'s well-being, the trial court needed to find, by clear and convincing evidence, only one of the two requirements of subsection (B). See L.S., 717 N.E.2d at 209. We shall first determine whether clear and convincing evidence supports the trial court's conclusion that the conditions resulting in C.B.'s removal and continued placement outside Mother's care will not be remedied.

Mother argues on appeal the trial court's termination order is "void of any reference to the services which [Mother] successfully completed" and further asserts that "[t]he court's finding that [Mother] was non-compliant with treatment plans and unsuccessful in completing services is not supported by the evidence." Appellant's Br. at 12. Mother concludes that, in light of her accomplishments, the trial court "wrongfully terminated her parental rights because she did not obtain her own residence, and did not attend C.B.'s medical appointments out[-]of[-]state." Id. at 11.

When determining whether a reasonable probability exists that the conditions justifying a child's removal and continued placement outside the home will or will not be remedied, the trial court must judge a parent's fitness to care for his or her children *at the*

time of the termination hearing, taking into consideration evidence of changed conditions. In re J.T., 742 N.E.2d 509, 512 (Ind. Ct. App. 2001), trans. denied. (emphasis added). Additionally, the court must also “evaluate the parent’s habitual patterns of conduct to determine the probability of future neglect or deprivation of the child.” Id. Pursuant to this rule, courts have properly considered evidence of a parent’s prior criminal history, drug and alcohol abuse, history of neglect, failure to provide support, and lack of adequate housing and employment. A.F. v. Marion County Office of Family & Children, 762 N.E.2d 1244, 1251 (Ind. Ct. App. 2002), trans. denied. The trial court may also properly consider the services offered to a parent, and the parent’s response to those services as evidence of whether conditions will be remedied. Id. Moreover, the JCDCS is not required to rule out all possibilities of change; rather, it need establish only that there is a reasonable probability that the parent’s behavior will not change. In re Kay L., 867 N.E.2d 236, 242 (Ind. Ct. App. 2007).

In determining there is a reasonable probability that the conditions resulting in C.B.’s removal and continued placement outside Mother’s care will not be remedied, the trial court made the following pertinent findings and conclusions:

4. [C.B.’s] aforementioned medical conditions involve tumors that continually form inside and outside of her body. These tumors have blocked her airways and as of November 16, 2004, [C.B.] has had to breathe through a tracheostomy. [C.B.’s] caregivers must know how to suction the tubes inserted in the tracheostomy and know how to manage the tubes in the event of an emergency.

* * * * *

8. On September 28, 2004, a Permanency Order was entered ordering Mother, upon her release from incarceration, to meet all objectives of the case plan, find housing and employment, and prove she is maintaining a substance-free lifestyle that would allow her to provide for the emotional, physical, and medical needs of her children.
9. On August 28, 2005, Mother was released from incarceration and placed on probation.
10. On September 14, 2005, a Permanency Plan/Modification of Dispositional Decree order was entered. The modification of the Dispositional Decree required Mother to, among other things: submit to random drug screens, complete an addictions assessment and comply with recommendations of the therapist; meet the medical needs of her children in a timely and appropriate manner, specifically attending all medical appointments for her children; gain and maintain employment; obtain and maintain a permanent residence for at least six (6) months; begin and participate in individual mental health counseling; and remain free of any further convictions. Additionally, the case plan required Mother to participate in AA/NA.

* * * * *

11. On February 27, 2006, a Periodic Case Review hearing was held. At that time, Mother was working at her second place of employment since her release from incarceration. Mother had purchase[d] a car, completed her GED, and was attending the Relapse Prevention Group through Quinco. However, Mother had not produced any AA/NA verifications since December 2005, was not stable in her living situation, and had not attended a single medical appointment for [C.B.].
12. On March 10, 2006, Mother was arrested for Operating While Intoxicated. Mother testified at the termination hearing that she drank that night because she was stressed due to Family Case Manager Bolden telling her that a Petition for Termination [of] Parental Rights would be filed if Mother did not obtain stable housing or maintain sobriety.

* * * * *

14. On May 24, 2006, Mother was arrested for Driving While Suspended.
15. On June 13, 2006, Mother voluntarily admitted herself to Richmond State Hospital.
16. On August 14, 2006, a Periodic Case Review hearing was held. Prior to Mother's admission to Richmond State Hospital, Mother's visitation with her children was sporadic and Mother failed to secure stable and suitable housing.
17. On or about August 16, 2006, Mother was unsuccessfully discharged from Richmond State Hospital for violation of rules. Mother testified that she was in possession of cigarettes.
18. [On] September 21, 2006, Mother's probation revocation hearing was held. Mother was ordered to serve the remainder of her sentence and be unsuccessfully discharged from probation. Mother's projected release date is January 19, 2009.

* * * * *

19. [C.B.] has been removed from her mother since September 12, 2003 and consequently has been removed from her mother for at least six (6) months under a Dispositional Decree dated September 16, 2006. As of August 27, 2007, [C.B.] has been removed from her parents for forty-six months.
20. [C.B.] was three (3) years old at the time of her removal. As of August 27, 2007, [C.B.] was six (6) years of age.
21. [C.B.] will be eight (8) years of age upon Mother[']s projected release date from incarceration.
22. As of August 27, 2007, Mother has not been trained on . . . how to manage [C.B.'s] tracheostomy and tubes, despite having a thirteen (13) month period available between incarcerations to do so. Mother does not know what to do in an emergency and an emergency would be fatal within minutes for the child.
23. The JCDCS'[s] family case managers have repeatedly apprised Mother of the expectations of the Court's Orders and case plans.

24. The JCDCS has made numerous referrals for services for Mother.
25. The JCDCS has made reasonable efforts in the underlying CHINS cause to reunify the family.

* * * * *

II. CONCLUSIONS OF LAW

1. It is established by clear and convincing evidence that the allegations of the Petition are true in that there is a reasonable probability that the conditions that resulted in the child's removal and the reasons for the placement outside the parents' home will not be remedied, and/or that the continuation of the parent/child relationship poses a threat to the well-being of the child.

* * * * *

3. Mother has been incarcerated off and on throughout her involvement with the JCDCS. Her incarcerations have interfered with her ability to participate in and successfully complete services.

Additionally, Mother's extensive history of alcohol/drug abuse has interfered with her ability to successfully complete services during the periods between her incarcerations.

The Court also evaluates Mother's habitual patterns of criminal conduct and determines there is a substantial probability of future neglect and deprivation of her child. Mother's history of incarceration and the effects on her child is given considerable weight.

Accordingly, the Court finds that the JCDCS has proven by clear and convincing evidence that Mother, [Cheryl B.], continues to be unable, unwilling, and/or has neglected to provide stability, safety, medical care, nurturing[,] and permanence for her child.

Appellant's App. pp. 10-13. A thorough review of the record leaves us convinced that ample evidence supports the trial court's findings and conclusions set forth above. These

findings and conclusions, in turn, support the trial court's ultimate decision to terminate Mother's parental rights to C.B.

Significantly, at the time of the termination hearing on August 27, 2007, Mother was incarcerated and therefore unavailable to parent C.B. Moreover, her earliest possible release date was set for January 19, 2009, approximately one-and-a-half years later. Thus, the primary condition resulting in C.B.'s initial removal and continued placement outside Mother's care, namely, Mother's unavailability due to her incarceration, still had not been remedied. As stated previously, in determining whether a reasonable probability exists that the conditions justifying a child's removal and continued placement outside the home will not be remedied, the juvenile court must judge a parent's fitness to care for his child *at the time of the termination hearing*. D.D., 804 N.E.2d at 266.

The record further reveals Mother has a history of prior involvement with the JCDCS dating back to 2001 which includes substantiated incidents of both medical and education neglect. Additionally, Mother, who was forty-three years old at the time of the termination hearing, testified she has been using drugs since she was fifteen years old. JCDCS family case manager Shana Bolden testified that at no point during the CHINS proceedings while she was case manager was she ever able to recommend a trial home visit, an overnight visitation, or reunification with Mother. When questioned whether she believed that the conditions resulting in C.B.'s removal "are going to get better[.]" Bolden answered, "[N]ot at this time." Tr. p. 24. These sentiments were echoed by the current family case manager, Sandy Smith. When asked during cross-examination whether Smith believed that Mother "could be a good parent to these children" if she

were able to conquer her drug and alcohol problem after being released from jail, Smith responded:

I don't know if I could answer that based on the history of the involvement with [JCDCS] and what [Mother] has shown by her actions. She did have a year that she was not incarcerated and her actions during that time didn't demonstrate the actions of someone who could parent their children.

Id. at 69-70. Smith further testified that even if Mother was not incarcerated at the time of the termination hearing she would “absolutely not” be in a position to have custody of C.B. due to the fact Mother doesn't have the necessary medical training to care for or even transport C.B. to her medical appointments. Id. at 66, 72. Mother's “history of relapse” coupled with the fact she had not been successful in any drug program to date was also a concern for Smith. Id. at 72. Finally, in her report to the trial court, the court-appointed special advocate (“CASA”) also recommended termination of Mother's parental rights to C.B.

Although we acknowledge and commend Mother's efforts to improve herself by participating in numerous classes while in prison, including drug rehabilitation classes, parenting classes, GED, and job training classes, Mother's ability to remain sober, to obtain stable housing, and to be able to provide C.B. with the critical around-the-clock medical care she needs once released back into the “real world” remains unknown. Additionally, Mother still has not achieved a majority of the dispositional goals set during the underlying CHINS proceedings including: (1) undergoing a parenting assessment; (2) demonstrating the ability to meet the specialized medical needs of C.B.; (3) participating

in individual mental health counseling; and, (4) remaining free from additional convictions.

Based on the foregoing, especially in light of Mother's lengthy history of substance abuse, prior involvement with the JCDCS, and current incarceration, we conclude that the trial court's findings and conclusions set forth previously indicating there is a reasonable probability the conditions resulting in C.B.'s removal from Mother's care and custody will not be remedied are supported by clear and convincing evidence. "[A] pattern of unwillingness to deal with parenting problems and to cooperate with those providing social services, in conjunction with unchanged conditions, support a finding that there exists no reasonable probability that the conditions will change." Lang v. Starke County Office of Family & Children, 861 N.E.2d 366, 372 (Ind. Ct. App. 2007), trans. denied.

Since the time of C.B.'s removal, approximately 4 years have passed and Mother not only remains incarcerated, but has also not completed services. Mother therefore remains unavailable to care for C.B. It is unfair to ask C.B. to continue to wait until Mother is willing and able to obtain, and benefit from, the help that she needs. See In re Campbell, 534 N.E.2d 273, 275 (Ind. Ct. App. 1989) (stating that the court was unwilling to put the children "on a shelf" until their mother was capable of caring for them).

Although the trial court's finding that a reasonable probability exists that the conditions leading to C.B.'s removal is unlikely to be remedied, standing alone, satisfies the requirement listed in subsection (B), we further observe that the record also contains sufficient evidence to support the trial court's additional finding that the parent-child

relationship poses a threat to C.B.'s well-being. When asked whether she believed continuation of the parent-child relationship between Mother and C.B. poses a threat to C.B.'s well-being, Bolden responded, "Yes." Tr. p. 30. Bolden went on to explain:

[C.B.] requires very intense medical care and supervision and as I said before, all of her caregivers have to have the specially trained trachostomy (sic) process and in fact, during her kindergarten year . . . at Patoka Elementary, every teacher, the bus driver, every person that came in contact with [C.B.] was also trained in this trach care. [Mother] has proved that she cannot maintain her sobriety and that could cause severe consequences for [C.B.] if she is not [with] an appropriate care giver who can properly supervise and take care of all her medical needs appropriately and in a very timely, quick fashion.

Id. Similarly, Smith testified that C.B. "requires a caregiver to be with her at all times who is qualified to maintain her trach and maintain her airway." Id. at 62. Smith further explained, "[I]f [C.B.'s] airway is not maintained . . . she would die just as anyone would without having air provided to them . . . within a matter of minutes . . ." Id. at 66. Additionally, in describing C.B.'s need to have regular, monthly doctors' appointments with a variety of physicians including an oncologist for chemotherapy, an ear, nose, and throat doctor, as well as a dentist due to her unique medical condition, Smith testified that Mother, even if she were not incarcerated at the time, "doesn't have the training necessary to be able to transport [C.B.] to her medical appointments on her own." Id. at 66. Based on the foregoing, and in light of Mother's history of substance abuse and substantiated reports of medical neglect of C.B., we conclude the trial court's finding that continuation of the parent-child relationship poses a threat to C.B.'s well-being is also supported by the evidence.

We next turn our attention to Mother's final allegation that the JCDCS failed to prove by clear and convincing evidence that the termination of her parental rights is in C.B.'s best interests. We are mindful that, in determining what is in the best interests of the child, the court is required to look beyond the factors identified by the Department of Child Services and look to the totality of the evidence. McBride v. Monroe County Office of Family & Children, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003). In so doing, the trial court must subordinate the interests of the parent to those of the child. Id. The trial court need not wait until a child is irreversibly harmed before terminating the parent-child relationship. Id. Moreover, we have previously determined that the recommendations of the CASA that parental rights be terminated support a finding that termination is in the child's best interest. In re M.M., 733 N.E.2d 6, 13 (Ind. Ct. App. 2000).

In addition to the findings and conclusions set forth previously, the trial court made the following additional pertinent finding and conclusions in determining termination of Mother's parental rights is in C.B.'s best interests:

26. The Court-Appointed Special Advocate recommends that the parent-child relationship be terminated and that the same would serve in the child's best interest.

II. CONCLUSIONS OF LAW

* * * * *

2. Termination of parental rights is in the best interest of the child, [C.B.], in that Mother has shown over the course of the related CHINS cause, and in her non[-]compliance with treatment plans, and numerous specific services made available and/or provided, that she continues to be unable, unwilling, and/or has neglected to provide stability, safety, medical care, nurturing[,] and permanence for her child.

* * * * *

4. Termination is in the best interest of the child in that the child needs stability, safety, nurturing and permanence.

Mother has not demonstrated . . . over the course and the history of the underlying CHINS cause, to have complied with or have benefited from services.

Any nominal and short[-]term compliance after almost four (4) years under the jurisdiction of this Court is not sufficient to foreclose the involuntary termination of parental rights.

Appellant's App. pp. 12-13. These findings, too, are supported by the evidence.

In addition to the fact Mother was unable to remedy the conditions necessitating C.B.'s removal from her care despite numerous services available to her both while incarcerated and later by the JCDCS, the record reveals the CASA and JCDCS family case managers Bolden and Smith all recommended termination of Mother's parental rights to C.B. and further indicated termination would be in C.B.'s best interests. When asked why she believed termination of Mother's parental rights was in C.B.'s best interests, Smith replied, "I don't think that [Mother] is able to care for [C.B.] the way that [C.B.] needs to be taken care of. And with [C.B.], if she doesn't get the care that she needs, it could easily result in death." Tr. p. 66.

Based on the totality of the evidence, including Mother's continuing incarceration, C.B.'s unique medical condition, Mother's inability to benefit from extensive services available throughout the CHINS proceedings, testimony from both JDCDS case managers, and the CASA's recommendation, we conclude that clear and convincing evidence supports the trial court's determination that termination of Mother's parental

rights is in C.B.'s best interests. See, e.g., In re A.I., 825 N.E.2d 798, 811 (Ind. Ct. App. 2005) (concluding that testimony of the CASA and family case manager, coupled with evidence that conditions resulting in continued placement outside home will not be remedied, is sufficient to prove by clear and convincing evidence termination is in child's best interests), trans. denied.

Conclusion

The trial court's judgment terminating Mother's parental rights to C.B. is supported by clear and convincing evidence. We therefore find no error.

Affirmed.

NAJAM, J. and DARDEN, J. concur